

HONORABLE BARBARA J. ROTHSTEIN

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN THE MATTER OF:

DA LI DEVELOPMENT USA LLC, a
Washington Limited Liability Company,

PLAINTIFF,

v.

DONALD GAUBE, an Individual, DAVID
KRAM, an Individual, RICHART RUDDIE, an
Individual, and JERROLD KRAM, an
Individual,

DEFENDANTS.

Case No. 2:25-cv-00150-BJR

**STIPULATION AND ORDER ON
BRIEFING SCHEDULE FOR
PARTIES' CROSS-MOTIONS**

COME NOW, Plaintiff DA LI DEVELOPMENT USA, LLC ("Da Li" or "Plaintiff") and Defendants DONALD GAUBE, DAVID KRAM, RICHART RUDDIE, and JERROLD KRAM (collectively, the "Defendants"), via their respective counsel, and file this stipulation and proposed order to set a combined briefing schedule for the parties' Cross-Motions for Summary Judgment and, in the alternative, Defendants' Motion To Compel Arbitration Or To Stay.

STIPULATION

1. Defendants filed their Motion for Summary Judgment, to Compel Arbitration, or in the Alternative, to Stay on April 1, 2025 ("Defendants' Motion"), and noted it for consideration for May 6, 2025. Dkt. 16.

2. Plaintiff began drafting its response to Defendants' Motion, but required additional time to prepare said response, and in so doing, realized that issues raised in their pleadings could properly be addressed at the same hearing.

3. On April 7, 2025, Plaintiff requested an extension to file its response by April 25, 2025, which Defendants granted.

4. On April 24, 2025, Plaintiff requested a second extension to file its response by April 28, 2025, which Defendants also granted. That same day, Defendants' counsel advised:

This will require us to move the noting date. So, while we're amenable to granting you another extension, we ask that you prepare a stipulation for filing with the Court. Presuming you will file no later than Monday, April 28, we would file our reply by no later than May 12 (which would be 14 days after your opposition, consistent with the Chamber's rules). We can re-note the motion to that same day. Let us know.

Plaintiff's counsel responded: "That works for us."

5. On April 28, 2025, Plaintiff filed its opposition to Defendants' Motion and a cross-motion for summary judgment, setting a new noting date of May 30, 2025 ("Plaintiff's Cross-Motion"). Dkt. 18. Defendants were not informed in advance of Plaintiff's intent to file a Cross-Motion and, based on prior communications, had anticipated that the parties would instead be submitting a stipulation confirming that Defendants would file their Reply and re-note their motion for May 12, 2025.

6. In light of Plaintiff's Cross-Motion, the previously contemplated May 12, 2025, noting date is now moot. Accordingly, based on a new May 30, 2025, noting date, the Parties respectfully request the Court set the following briefing schedule:

- Defendants' combined reply in support of their motion and opposition to Plaintiff's Cross-Motion shall be filed by **May 20, 2025**, and
- Plaintiff's final reply in support of its Cross-Motion shall be filed by **May 30, 2025**.

7. Additionally, in accordance with your Honor's rules, Defendants' combined submission shall not exceed 24 pages and Plaintiff's reply shall not exceed 12 pages.

ORDER

IT IS HEREBY ORDERED THAT:

The Parties shall adhere to the schedule set forth above.

DATED this 5th day of May, 2025.



Hon. Barbara J. Rothstein
United States District Judge

Jointly presented:

McGLINCHEY STAFFORD, PLLC

/s/ Charles E. Stoecker

Charles E. Stoecker, WSBA No. 62536
Rhiannon D. Funke, WSBA No. 52227
2101 4th Avenue, Suite 2050
Seattle, WA 98121
cstoecker@mcglinchey.com
rfunke@mcglinchey.com
Telephone: (656) 228-0238
Facsimile: (954) 252-3806
Attorneys for Plaintiff

BAILEY DUQUETTE P.C.

/s/ Hozaiifa Y. Cassubhai

Hozaiifa Y. Cassubhai, WSBA No. 39512
William R. Burnside, WSBA No. 36002
800 Fifth Avenue, Suite 101-800
Seattle, Washington 98104
hozaiifa@baileyduquette.com
will@baileyduquette.com
Phone: (206) 225-2250
Attorneys for Defendants